UNIV. OF MICH.
FEB 28 1952
LAW LIBRARY

Calendar No. 1120

82D CONGRESS, 2d Session } SENATE { REPORT No. 1188

ELSE NEUBERT AND HER TWO CHILDREN

FEBRUARY 18 (legislative day, JANUARY 10), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

To accompany S. 1715]

The Committee on the Judiciary, to which was referred the bill (S. 1715) for the relief of Elli Neubert and her two children, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On page 1, lines 4 and 9, strike the words "Elli" and insert in lieu thereof the words "Else".
2. On page 2, lines 3, 10, and 12, strike the words "Elli" and insert in lieu thereof the words "Else".
3. Amend the title of the bill to read: "A bill for the relief of Else Neubert and her two children."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the fiancée of a United States citizen presently serving in our Armed Forces and her two minor children to enter the United States as temporary visitors so that the fiancée may marry her citizen fiancé and that thereafter she and her children may reside in the United States. The bill has been amended to show the alien's correct first name.

STATEMENT OF FACTS

The beneficiaries of the bill are the 24-year-old fiancée of Sgt. Clyde E. Fritz, and their two minor children. They are presently residing

in Germany while Sergeant Fritz, who is the father of the children, is presently stationed at Fort Bragg, N. C. Sergeant Fritz met Miss Neubert while he was stationed with our Armed Forces in Germany.

A letter dated December 28, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

DECEMBER 28, 1951.

Hon. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1715) for the relief of Elli Neubert and her two children, aliens.

The bill would make Elli Neubert, the German fiancée of Sgt. Clyde E. Fritz, a United States citizen now serving in the United States Army, and her two children eligible for visas as nonimmigrant temporary visitors for a period of 3 months, provided that the administrative authorities find that she is coming to the United States with a bona fide intention of being married to Sergeant Fritz and that she and her two children are found otherwise admissible under the immigration laws. It would also provide that in the event the marriage between the above-named parties does not occur within 3 months after the entry of the said Elli Neubert, she and her two children shall be required to depart from this country and upon failure to do so shall be deported. The bill would further direct the Attorney General, in the event the marriage shall occur within the required 3-month period, to record the lawful admission for permanent residence of the said Elli Neubert and of her two children as of the date of the payment of the required visa fees and head taxes.

Sgt. (1c) Clyde Edward Fritz, now stationed at Fort Bragg, N. C., stated that he was born in Salt Lake City, Utah, on November 29, 1915. He further stated that he has been a member of the United States Army since 1941. He receives a salary of $191.10 a month and sends $100 monthly to the aliens for their support. Sergeant Fritz was married to a Marie Louise Nolent in France on January 26, 1946. This marriage was terminated by divorce obtained by him at Salt Lake City, Utah, on June 15, 1949, such divorce becoming final on December 15, 1949.

The adult alien's true name is Else Neubert. She was born on July 2, 1927, at Ober-Ramstadt, Germany. Her two children are named Nancy Ann and Virginia Claudie and were born in Ober-Ramstadt, Germany on January 14, 1948 and October 21, 1949, respectively. The German birth certificates of these children reflect that on March 2, 1950, Sergeant Fritz acknowledged their paternity. According to Sergeant Fritz, the aliens have never been in the United States and presently reside in Ober-Ramstadt, Germany.

The aliens are chargeable to the quota of Germany, which is oversubscribed and immigration visas are not readily obtainable.

Whether, under the circumstances, the bill should be enacted presents a question of legislative policy concerning which the Department of Justice prefers not to make any recommendation.

Sincerely,

A. DEVITT VANECH,
Deputy Attorney General.

Senator Henry C. Dworshak, the author of the bill, has submitted the following information in support of the bill:

NINETY-EIGHTH CHEMICAL SMOKE GENERATING COMPANY,
Fort Bragg, N. C., June 18, 1951.

DEAR SIR: I received your letter today, and I cannot tell you how much I appreciate it. Sir, if it is possible for you to introduce a bill that will permit my fiancée and children to enter the United States for the purpose of marriage, I would appreciate it very much.

I have had my marriage papers in two times. My marriage papers are in Heidelberg military post. All marriage papers were approved pending receipt of the CIC investigation.

My desire is to provide a home for my family. As the father of my children, I want them to be raised in a democratic way of life. I feel it is my responsibility to see that these children are properly cared for and that is impossible while I am in America and my fiancée and children are in Germany.

My fiancée's full name and address is: Else Neubert, Friedhofstrasse 11, Ober Ramstadt, Kries, Darmstadt, Germany.

If there is some information that you need, please let me know. Please excuse my letter writing but I have never been a great hand at writing.

Everything that you can do for me will be appreciated with all my heart. Hoping to have good news from you soon.

Yours truly,

CLYDE E. FRITZ.

THE AMERICAN RED CROSS,
BANNOCK COUNTY CHAPTER,
Pocatello, Idaho, June 14, 1951.

Re Sgt. Clyde E. Fritz, 39679950 Nineth-eighth Chemical Smoke Generating Company., Fort Bragg, N. C.

Hon. HENRY DWORSHAK,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Again I am calling on you for assistance. A Mrs. W. L. Robinson, who resides at Route 1 South, Pocatello, stated that the above man is her only brother. He has been in the service for 7 years. He was located in Germany for quite some time and was living with a girl and they have two children ages 3 years, and 20 months. He, at all times, has wished to marry her, but it seems that every time when he would have practically all the papers completed and arrangements made, he would either be transferred to another location or something happened that prevented the marriage from taking place. He is now stationed at Fort Bragg and is very unhappy because he has been informed now that the only way he will be able to marry her and bring her and the children to this country, is to pay for his round trip and her trip back and also pay the Government for every day he is out of this country. He doesn't have money to do this as it would amount to a large sum.

The girl's name is Elli Neubert, and she resides at Friedhof Ramstadt, Ober Ramstadt, Kries, Darmstadt, Germany. Mrs. Robinson, who gave me this information, seems to be a very nice person, and wept bitterly because she is so fond of her brother and he seems anxious to have his family in this country with him. He, however, is age 36 so he should know what he wants to do.

If there is anything that you are able to do for us regarding this case, we would surely appreciate it, Senator.

Yours truly,

MAY M. KIRCHNER, *Executive Secretary.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1715), as amended, should be enacted.

O